

EXHIBIT C

Howell Public Schools
Bylaws & Policies

Board
Policy

5610 - EMERGENCY REMOVAL, SUSPENSION, AND EXPULSION OF NONDISABLED STUDENTS

The Board of Education recognizes that exclusion from the educational programs of the District, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student in this District and one that cannot be imposed without due process since exclusion deprives a child of the right to an education. The Board also recognizes that it may be necessary for a teacher to remove a student from class for conduct which is disruptive to the learning environment, and that such removals are not subject to a prior hearing, provided said removal is for a period of less than twenty-four (24) hours. However, if an emergency removal may result in a suspension, then due process must be ensured.

For purposes of this policy, "suspension" shall be the short-term (not more than ten (10) days) or long-term suspension (for more than ten (10) days but less than permanent expulsion) of a student from a regular District program.

For purposes of this policy, unless otherwise defined in Federal and/or State law and Policy 5610.01, "expulsion" shall be the permanent exclusion of a student from the schools of this District. Students who are expelled permanently may petition for reinstatement under the provisions stipulated in Policy 5610.01.

The Superintendent may suspend a student for a period longer than ten (10) days or expel a student. The Board shall act on any appeal to the decision and shall act on all expulsions.

In all cases resulting in short-term suspension, long-term suspension, or expulsion, appropriate due process rights described in Policy 5611 must be observed. The Superintendent shall check to make sure the student is not classified as disabled under Section 504.

No student, otherwise eligible for attendance, shall be excluded from a District program unless that student has substantially interfered with the maintenance of good order and/or the educational environment, or unless it is necessary to protect that student's or other students' physical or emotional safety and well-being.

A student may be removed from a class, subject, or activity for one (1) day by his/her teacher for certain conduct as specified in the Code of Conduct, or the student may be given a short-term suspension by the Superintendent or the principal. A student so removed will be allowed to attend other classes taught by other teachers during the term of the one (1) day removal. A student removed from the same class for ten (10) days will receive a due process hearing for each suspension beyond ten (10) days, consistent with required due process for long-term suspensions. The Board designates the Superintendent as its representative at any hearings regarding the appeal of a suspension.

The Superintendent shall develop administrative guidelines to implement this policy which shall include:

- A. procedures that ensure due process;
- B. provision for make-up work at home, when appropriate.

M.C.L.A. 380.1301, 380.1309, 380.1311
20 U.S.C. 3351

McDowell
EX 10

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SUSPENSION AND EXPULSION

The following administrative guidelines should be followed to provide a fair meeting for each student charged with an offense leading to suspension or expulsion.

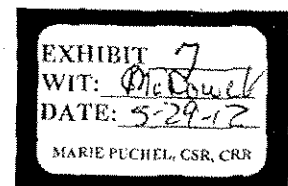
A. Emergency Removal

A student may be removed or excluded from a classroom or a school when s/he poses a continuing danger to persons or property or represents an on-going threat of disrupting the educational process taking place in the classroom or the school premises. Such removal must be for a period of less than twenty-four (24) hours without being subject to suspension and expulsion procedures.

If a member of the school faculty removes a student, under his/her supervision, from a classroom or activity, s/he must submit to the principal written reasons for the removal the day the removal occurs.

A hearing must be held by the principal in accordance with the suspension or expulsion requirements depending on the probable outcome of the hearing. The person who caused, ordered, or requested the removal should be present.

Written notice must be provided to the student and the parent as soon as practicable prior to the hearing. If the probable outcome of the hearing is suspension, the hearing procedures applicable to a suspension must be applied. If the probable outcome is expulsion of the student, the hearing procedures applicable to an expulsion must be followed.



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B. Teacher Initiated Suspension

A teacher may suspend a student from class, subject, or activity for up to one (1) full school day for certain conduct as specified in the Code of Conduct. The teacher shall immediately send the student to the principal and specify the reason for the suspension as specified in the Student Code of Conduct. As soon as possible after the suspension, the teacher shall schedule a parent-teacher conference regarding the suspension. If feasible, the counselor, psychologist, and/or social worker shall attend the conference. The principal may attend upon request of the teacher or parent. The student shall not be returned to the class, subject, or activity that school day without the consent of both the teacher and the principal.

C. Short-Term Suspension

The principal or designee may impose a suspension of up to ten (10) days duration, but shall attempt to notify the student's parents or guardians of the suspension by telephone, as well as send a written notification by e-mail or by regular mail. A copy of the notification shall also be sent home with the student, if practical. The written notice shall include the reasons for the suspension, the date(s) of the suspension and the rights to appeal, enclosing this policy with the suspension notice.

1. Preliminary Hearing

No student may be suspended without a hearing unless a clear and present danger exists, or it is otherwise impossible or unreasonably difficult to hold such hearing. In such instances, the necessary notice and hearing shall follow as soon as practicable.

The principal or designee shall provide the student with an oral or written notice of the charge(s) against him/her and shall provide a hearing for the student before a suspension is ordered so that the student has a full opportunity to state why s/he should not be suspended. This preliminary hearing shall be an informal one in which the student is given a chance to respond to the charges and present any witnesses. The student's parents may be informed of the charges and the preliminary hearing if the principal so chooses. The hearing shall be held on the day of the alleged infraction or as soon thereafter as possible if an emergency prohibits an immediate hearing.

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2. Sending a Student Home

Unless the student is an immediate threat to the safety of the school, s/he should remain in school until class is dismissed for the day. If the situation indicates that the student should be removed from the premises, the principal shall attempt to reach the student's parents to request they pick up their child. If they are unable to do so, the student should remain in school until school is dismissed.

The principal may forego the previous provision in the event of mass violations of school rules or where it is not possible to keep the student(s) on school grounds and restore order or protect people on school property. In such an emergency situation, the principal shall contact the Superintendent.

D. Disabled Students

In accordance with Board Policy 5605, a student in Special Education must be referred to the I.E.P.C. and those disabled under 504 must be referred to the principal to determine if the behavior is related to the disability. Its decision will determine the appropriate next steps.

E. Student's Record

A record of a student's suspension or expulsion is to be made a part of his/her permanent record until s/he leaves the school and released in accordance with AG 8330 - Student Records. Days of absence shall be noted in the student's permanent attendance record.